IN THE

Supreme Court of the United States

OCTOBER TERM, 1967

No. 381

LOCAL UNION NO. 721, UNITED PACKINGHOUSE, FOOD AND ALLIED WORKERS, AFL-CIO, *Petitioner*,

v.

NEEDHAM PACKING COMPANY, D/B/A SIOUX CITY DRESSED BEEF, A CORPORATION, *Respondent*.

On Petition for Rehearing of an Order Denying Petition for a Writ of Certiorari to the Supreme Court of Iowa

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OBJECTIONS OF RESPONDENT TO MOTION FOR LEAVE TO FILE BRIEF AS AMICI CURIAE

Respondent, Needham Packing Company, believes itself constrained to object to the granting of the motion of the United Steelworkers of America, AFL-CIO and International Union, United Automobile, Aerospace & Agricultural Implement Workers of

America, UAW, AFL-CIO to file a brief as *amici curiae* for the following reasons:

1. Whatever may be the strength of movants or their "nationwide commitment" to the arbitral process, there has been no demonstration by them that such factors are in any wise relevant to the movants' motion to intervene in this proceeding at this late date. The petitioner is not a small union or without "nationwide commitment." There is no suggestion that petitioner's presentation of its views before this Court has been inadequate.

2. As justification for its motion, the movants represent that the decision of the Supreme Court of Iowa "constitutes a flagrant departure from the standards enunciated in the [trilogy cases]." Motion, p. 2. But this self-same argument was urged by the petitioner in its original petition. See Petition, Point "2" at p. 11. And it was with respect to this very issue that respondent in its Brief in Opposition clearly demonstrated that the Supreme Court of Iowa had faithfully adhered to and applied to the facts and circumstances of this case all controlling principles of federal labor law established by this Court. See Brief for Respondent in Opposition, pp. 17-23.

3. Had the issues raised in the original petition been of any substantial importance to them, the movants had ample opportunity when the original petition for a writ of certiorari was filed to intervene as *amici*. The movants do not suggest that they were unaware of the pendency of the original petition before this Court or of this litigation throughout its progress. Nor is there any allegation by the movants that there are any intervening circumstances which have prompted them to attempt to be heard at this late date. Counsel for

respondent further understand that the AFL-CIO was solicited by petitioner to intervene at the time the original petition was filed and declined. There is good reason why the rules of this Court do not provide for motions to file briefs *amici* at this late stage and the movants' motion should be denied in the interest of orderly judicial procedure under this Court's rules.

Respectfully submitted,

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November 13, 1967